IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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I.T.R. No.601 of 1995
Date of Decision:17.01.2007

The Commissioner of Income-tax, Patiala

.....Petitioner

Vs.

M/s Electronics System Punjab Ltd., Mohali

.....Respondent

CORAM:- HON'BLE MR. JUSTICE M.M.KUMAR
HON'BLE MR. JUSTICE RAJESH BINDAL

Present:- Mr. Yogesh Putney, Advocate for the revenue.

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Rajesh Bindal, J.

The following question of law has been referred for opinion of this Court arising out of order passed by the Income Tax Appellate Tribunal, Chandigarh Bench, Chandigarh in I.T.A. No.134/Chandi/ 1990 dated 17.1.1995 in respect of assessment year 1987-88:-

> "Whether, on the facts and in the circumstances of the case, the Appellate Tribunal was right in law in upholding the order of the learned CIT(A) allowing investment allowance to the assessee u/s 32A of the Income-tax Act, 1961 for assessment year 1987-88?"

It is not disputed by learned counsel for the revenue that an identical issue has already been gone into by this Court in I.T.R. No.244 of 1995 – **CIT, Patiala v. M/s Punjab Wireless System Limited, Mohali** decided on 1.11.2006 which has been answered against the revenue and in favour of the assessee.

For the reasons stated therein, the question referred is answered against the revenue and in favour of the assessee.

The reference is disposed of accordingly.

(RAJESH BINDAL)
JUDGE

January 17, 2007 **(M.M.KUMAR)**
renu **JUDGE**